

## **REMARKS**

Applicants thank the Examiner for the telephonic interview conducted with applicant's representatives on May 25, 2011. The present amendment and arguments are submitted further to the interview and in response to a final office action issued on February 9, 2011. The application contains claims 43, 48-50, 73-76, 79-90, 92 and 94-97. Claims 43 and 92 are amended herewith and discussed below. Claim 74 is cancelled herewith.

### **Summary of Interview**

During the interview, the following rejection was discussed:

**Claim 92 stands objected under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.** In the final action, the Examiner states that the language of claim 92 of "the external sheath extends over at least 50% of the internal sheath" fails to further limit independent claim 43 which recites "circumferentially surrounding" meaning that the external sheath completely surrounds the internal sheath.

During the interview, it was agreed that claim 92 would be amended to add the term "length" so that it is clear that the claim refers to the length of the sheath and is irrespective to its circumference.

**Claims 43, 48-50, 73-76, 79, 81-84, 86-89, 92 and 94-97 stand rejected under 35 USC 102(b) as being anticipated by Jones (US 5,201,908).**

Applicants' representative argued that Jones does not teach an external sheath configured to define a channel for passing of fluids, tools or working tubes as recited in claim 43. Rather, in Jones, access channels 60A-C are passed through the external sheath. The

external sheath is not open at its distal end and tubes can pass only through the access channels which are more axially directed, see col. 5, lines 16-24.

It was agreed that an amendment to claim to 43, clarifying that the channel is open at its distal end would overcome the rejection. Applicants have further amended claim 43 to make explicit what was already implicit, namely that the channel is defined between the internal and external sheath, which is not the case in Jones. The rest of the claims are patentable at least by virtue of their patentable parent claim 43.

The office action further included the following rejections:

**Claims 80, 85 and 90 stand rejected under 35 USC 103(a) as being unpatentable over Jones (US 5,201,908) in view of Stefanchik et al. (US 7,431,694).**

Claims 80, 85 and 90 all depend from claim 43 and are patentable at least by virtue of patentable claim 43.

### **Drawings**

Although the office action does not include any rejection to the drawings, the office action summary (item 10) mentions that the drawings are objected to. Applicants respectfully request that the Examiner indicates that the objection to the drawings has been withdrawn in view of the arguments filed in response to the Final Office Action of July 29, 2010.

### **Conclusion**

In view of the above amendments and arguments, applicants submit that independent claim 43 and dependent claims 43, 48-50, 73-76, 79-90, 92 and 94-97 are patentable over the cited art. Notice thereof is respectfully awaited. Should the Examiner find any new reasons for rejection of the claims, the Examiner is invited to contact the undersigned by telephone prior to issuing a next action.

Respectfully submitted,

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Date: June 9, 2011

### **Enclosures:**

- Petition for Extension (One Month)
- Request for Continued Examination (RCE)